

Remarks

Claims 1-20 are pending. Claims 1-20 are rejected. Claims 1 and 11 are amended herein and claims 12-13 are cancelled. Applicants respectfully traverse the rejection and request allowance of claims 1-11 and 14-20.

Claims 1-3, 5, 10, 11, 15, and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,018,515 (Sorber) [Note: listed in the Office Action as 6,028,515].

Independent claims 1 and 11 require generating a status signal indicating available space in memory and indicating a memory over-run or a memory under-run. Advantageously, the invention of claim 1 may be implemented to allow the network layer system to avoid over-run and under-run conditions.

Sorber does not disclose a status signal that indicates a memory over-run or a memory under-run. In contrast, the congestion message of Sorber only indicates when the memory is full (see col. 9, line 60 to col. 10, line 14).

Independent claims 1 and 11 therefore include features that are neither taught nor suggested by Sorber. Claims 2-10 and 14-20 are allowable for the same reasons as claims 1 and 11.

Claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sorber in view of U.S. Patent 6,304,578 (Fluss). Claim 4 depends from independent claim 1 and therefore is patentable for the reasons previously discussed. The rejection of claim 14 is obviated by its cancellation.

Claims 6-9 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sorber in view of U.S. Patent 5,007,051 (Dolkas et al.). Claims 6-9 and 16-19 depend from independent claims 1 and 11, and therefore are patentable for the reasons previously discussed.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sorber in view of U.S. Patent 6,449,281 (Smith). The rejection of claims 12 and 13 is obviated by their cancellation.

Applicants submit that there are numerous additional reasons in support of patentability, but that such reasons are moot in light of the above remarks and are omitted in the interests of brevity. Applicants respectfully request allowance of claims 1-11 and 14-20.

Please feel free to call me to discuss the patentability of the pending claims.

Date: 6/9/03


SIGNATURE OF PRACTITIONER

Gregg Jansen, Reg. No. 46,799
Duft Setter Ollila & Bornsen LLC
Telephone: (303) 938-9999 ext. 14
Facsimile: (303) 938-9995

Correspondence address:

CUSTOMER NO. 036122